

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
GERALDINE PERKINS,  
:

Plaintiff,  
:

-against-  
:

CITY OF NEW YORK, CAPTAIN LASHANE  
NEMBHARD, CAPTAIN LEENA EDDY, and  
JANE DOE # 1-10, correction officers and/or other  
employees of the New York City Department of  
Correction, the identity and number of whom is  
presently unknown, all of whom are sued  
individually, and in their official capacities,  
:

Defendants.  
:  
:  
:  
X

**ORDER DENYING SUMMARY  
JUDGMENT**


18 Civ. 6397 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendants' argument that the Prison Litigation Reform Act ("PLRA") was violated raises triable issues of fact as to whether Plaintiff had just cause not to file grievances under an exception to the PLRA. *See Ross v. Blake*, 578 U.S. 632, 644 (2016) (noting that exhaustion is not required when "prison administrators thwart inmates from taking advantage of a grievance process through machination, misrepresentation, or intimidation"). Issues of triable fact remain as well regarding the claims of deliberate indifference, personal involvement, excessive force, municipal liability, and the state law claims. Defendants' motion for Summary Judgment is denied.

SO ORDERED.

Dated: October 15, 2024  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge